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## Appeal Decision

Site visit made on 17 September 2019

**by J Moss BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 January 2020**

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### **Appeal Ref: APP/P0119/W/19/3232136**

### **Willow Brook Centre, Savages Wood Road, Bradley Stoke BS32 8BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full and outline planning permission.
  - The appeal is made by The Brookmaker Limited Partnership against the decision of South Gloucestershire Council.
  - The application Ref PT18/1491/O, dated 26 March 2018, was refused by notice dated 22 March 2019.
  - The development proposed is the erection of two food and drink units each incorporating a drive-through; and to extend the existing retail terrace to provide two non-food retail units (up to 3,100sqm including mezzanine) and rearrangement of existing car park.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of two food and drink units each incorporating a drive-through; and to extend the existing retail terrace to provide two non-food retail units (up to 3,100sqm including mezzanine) and rearrangement of existing car park at Willow Brook Centre, Savages Wood Road, Bradley Stoke BS32 8BS in accordance with the terms of the application reference PT18/1491/O, dated 26 March 2018, subject to the conditions set out in the schedule attached to this decision.

### **Procedural Matters**

2. The planning application is described hybrid application and informs that full planning permission is sought for the erection of two food and drinks units and that outline planning permission is sought for an extension to the existing retail terrace, including the rearrangement of the existing car park. For this second element of the proposed development the matters of appearance and landscaping are reserved for determination at a later date. I have, therefore, determined the appeal on this basis.
3. The phasing plan number 7752\_PL\_005 revision A indicates that the element of the development including two food and drinks units comprises phase 1 and the element of the proposed development including the extension to the existing retail terrace and the rearrangement of the existing car park comprises phases 2 and 3. In this decision I have, therefore, referred to the full proposal as phase 1 and the outline proposal as phases 2 and 3.
4. The Council have confirmed that it has no objection to the development within phases 2 and 3, subject to suitable conditions. Having considered this element of the proposal, I have no reason to disagree with this conclusion. Accordingly,

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the main issue in this case relates to full planning permission sought for the development comprised in phase 1.

### **Main Issue**

5. The main issue in this case is the effect of the phase 1 development on the living conditions of nearby residents with regard to noise, disturbance, fumes and odours.

### **Reasons**

6. The development plan for the area includes the South Gloucestershire Local Plan: Policies, Sites and Places Plan, Adopted November 2017 (SGLP). Policy PSP35 of the SGLP permits new food and drink uses subject to certain considerations, including noise, general disturbance, fumes, smells, litter and late-night activity. Policy PSP8 of the SGLP only permits development that will not create unacceptable living conditions or have an unacceptable impact on occupiers of nearby properties. It suggests that unacceptable impacts could result from, amongst other matters, noise, disturbance, odours and fumes.
7. The appeal site is within the Willow Brook Centre, which is a large retail complex comprising a significant number of outlets of varying sizes, all served by an extensive car park. The two proposed units comprised in phase 1 would be located within the existing car park and to the north of the main complex of buildings. To the east of the site is Bradley Stoke Way, which is a main highway through the Bradley Stoke area. There are residential properties to the north and north west, off Wheatfield Drive; these are part of a wider housing estate that adjoins the Bradley Stoke Centre. It is agreed that the smaller of the two food and drink units proposed would be located 22 metres from the nearest dwelling at 197 Wheatfield Drive, with the larger unit being 50 metres from the same property.
8. Both a noise impact assessment and a night-time noise emission impact assessment (NTNEA) have been submitted. The first considers the effect of noise generated by the plant and machinery associated with the two units. It is common ground that there are no noise concerns in respect of plant and machinery and that appropriate measures can be secured by condition. The second assessment considers the effect of noise generated by other sources of noise including customer activity, vehicle movements and the drive through speakers. This predicts that the development would not result in any significant night time noise impacts.
9. A response to the NTNEA has been provided by Ion Acoustics on behalf of a number of interested parties. The appellant has responded to this within its final comments on the appeal.
10. The Ion Acoustic response highlights a number of concerns with regard to the NTNEA, including the methodology used, the ambient noise level assessment and the position of recording equipment. In this regard the Ion Acoustic response concludes that the NTNEA cannot be used to determine the noise impact of the proposed development.
11. In the NTNEA it is acknowledged that there is no national guidance document providing a suitable methodology to predict or assess noise from customers. Instead, the appellant has produced a bespoke assessment methodology, which has been agreed by the Council's environmental health officer. Whilst

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the Council comment on the choice of a comparator facility used for the NTNEA in its appeal statement, I note that it agrees to the comparator facility selected in the statement of common ground. The main parties have also agreed a number of other matters in relation to the NTNEA, including the benchmark noise measurements obtained from the comparator facility; the baseline noise level measurements at the nearest noise sensitive receptor to the food and drink units; the predicted noise levels generated by vehicles and customers at the units; and the predicted baseline and benchmark maximum noise levels.

12. Whilst I acknowledge the findings in the Ion Acoustic response, I have also had regard to the appellant's response to this, as well as the Council's agreement to matters within the NTNEA, including its methodology, as set out above. These lead me to the conclusion that the NTNEA is a reliable assessment in determining the likely effects of the phase 1 development with regard to night-time noise and disturbance. Furthermore, other than the comments in its appeal statement on the character of the comparator facility used in the NTNEA, the Council has not provided any substantiated evidence to suggest that the technical conclusions of the assessment are incorrect.
13. I acknowledge the strength of objection from interested parties with regard to the potential impact in respect of night-time noise and disturbance; I do not underestimate the concerns of those living near the appeal site. However, an assessment of the likely noise and disturbance impacts of the two food and drink units has been provided which concludes that the development would be acceptable in terms of night time noise impacts. This has not been robustly challenged by the Council. Furthermore, whilst the proposal to rearrange the car park would move the internal road closer to the rear of the properties along Dewfalls Drive and Wheatfield Drive, there is no technical evidence before me to suggest that such a change would result in any adverse impacts. The land in question is currently part of the existing car park. It is, therefore, already subject to vehicle movements and the associated noise and disturbance from these.
14. In the absence of any evidence to suggest that the development would result in an unacceptable degree of noise and disturbance for noise sensitive receptors in the area, I can only conclude that it would be acceptable in terms of its impact on the living conditions of nearby residents.
15. The Council have suggested the use of noise mitigation measures and hours of operation that would prohibit night-time opening. Whilst these may be common place in similar facilities elsewhere, I cannot conclude that such measures are necessary here, having regard to the particulars of this case and the evidence before me. Furthermore, whilst I note the Council and interested parties' reference to complaints of noise and disturbance from the existing car park, as well as the allegations of anti-social behaviour on the site, I have no substantiated evidence to suggest that the development would make the existing situation worse. Indeed, the 24-hour presence of staff on site within the two food and drink units may deter anti-social behaviour in some regards.
16. I now turn to the matter of fumes and smells (odours). I note that the Council's concerns are in respect of fumes from idling cars. This is a concern that is shared by interested parties. I also note the concerns raised by a number of parties with regard to the potential effect of cooking odours from the phase 1 units. Whilst the Council's appeal statement sets out the policy and

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guidance relevant to these matters, it contains very little information to elaborate on the reasons for its concerns with regard to the effect of the development resulting from fumes and odours. In view of the lack of substantiated evidence to support this element of the Council's reason for refusal of the planning application, I have no reason to conclude that the development would have an unacceptable effect on the living conditions of nearby residents as a result of fumes or odours generated by the phase 1 development.

17. Having regard to the findings above, the development would not conflict with SGLP policies PSP35 and PSP8 as it would not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of nearby properties by virtue of noise, disturbance, odours or fumes.

### **Other Matters**

18. The Council suggest that, as the smaller of the two proposed units would be in a mixed Class A1/A3 use<sup>1</sup>, a sequential test would have been necessary. The Council have not, however, pursued this as a reason for refusal and has confirmed in its appeal statement that it provides no further comment on this. I note the appellant's conclusions that, as the proposed A1/A3 unit would be within an existing centre, there would be no need to apply the sequential test referred to in paragraph 86 of the National Planning Policy Framework. I agree with the appellant's conclusions in this regard.
19. My attention has been drawn to the refusal of permission for a take away restaurant in the area in 2011. As I have not been provided with any great detail of this case, I am unable to compare it with the scheme now proposed. Nevertheless, I have determined the appeal having considered the particular circumstances of the case that is before me.
20. Interested parties have objected to the scheme suggesting that the development would result in an over concentration of take away units in this area; that it would be close to a number of schools; and that it would contribute to childhood obesity. There are already a number of food outlets within the Willow Brook Centre, including a large supermarket. These offer a range of take away food choices, including healthy menu choices. Whilst I acknowledge the strength of objection, I have little evidence to substantiate why the addition of the two proposed units would have an adverse effect upon the health and well-being of Bradley Stoke's residents. In reaching this conclusion I have had regard to the comments of the public health officer of the Council who concludes that it is unlikely that the proposed development would affect the health of the Bradley Stoke population to a point where it would become notably worse than South Gloucestershire as a whole
21. I note the representations with regard to highway and car parking matters including concerns about queuing traffic in the car park and on the adjoining highway network; pedestrian safety within the car park; the car park capacity; and concerns regarding the rearrangement of the internal access road. However, the evidence before me, including the consultation response from the Council's highway engineer, concludes that the proposal would not have an adverse effect upon the road network, highway safety or pedestrian safety within the car park. Accordingly, in the event that the development would

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<sup>1</sup> Defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)

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- result in additional vehicle movements in the area or queuing during busy periods, this would be an inconvenience but would not lead to a harmful effect upon pedestrian and highway safety; nor would it be a reason to withhold planning permission.
22. In addition, a travel plan has been provided by the appellant, which seeks to encourage more sustainable travel patterns for customers and employees of site. Such measures would only have a positive effect in terms of vehicle movements to and from the site. Whilst I note the Council's comments with regard to the need for the plan to apply to the whole of the Willow Brook Centre, I have considered this later in my decision.
23. The two new units would bring new development close to the boundary of the Willow Brook Centre with the adjoining residential properties. The smaller unit would be 22 metres from the closest dwelling on Wheatfield Drive and the two-storey element of the larger unit would be some 57 metres from the same property. There is substantial established landscaping along the edge of the existing car park, much of which would be retained. The proposed scheme also seeks to enhance this landscaping as part of the development. Whilst the development may well be seen from the nearby dwellings, it would not be overbearing or have an unacceptable impact on the living conditions of the occupiers of these dwellings in terms of privacy or overlooking, particularly in view of the degree of separation between the new units and these properties. The design of the two units would also be acceptable within the context of the existing shopping centre.
24. I note the comments of interested parties with regard to the drive through element of the two units; that this would encourage the use of less sustainable modes of transport and contribute to climate change. However, the units would be within an existing shopping centre and the evidence indicates that there would be a significant number of linked trips, with customers of the new units also visiting the existing outlets at the Willow Brook Centre. Furthermore, the units are within walking distance of a large population of Bradley Stoke. In this regard it is not likely that the incidental drive through elements of the scheme would result in a significant increase in the adverse climate change effects that are associated with the use of the private car.
25. With regard to the concern raised in respect of the effect of the development on local wildlife, I have had regard to the ecological impact assessment that accompanied the application. I have also had regard to the consultation response of the Council's ecologist, who has not objected to the development, noting that the boundary vegetation, identified as being the most important to wildlife, would be protected throughout construction. In view of this and having regard to the proposed landscaping scheme for the site, I have no reason to reach a different conclusion on this matter.
26. I have no supporting evidence before me to suggest that the development would result in a particular litter or vermin problem in the area. Nevertheless, any such problems associated with the proposal would be a matter for the management of the site, or for the Council's environmental services team.
27. My attention has been drawn to the empty units within the existing complex and, in this regard, interested parties have questioned the need for the proposed extension to the main building at the Willow Brook Centre. Representations have also been made with regard to the choice of location of

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the two food and drink units. Whilst I note these comments, I am only able to consider the scheme that is before me. Furthermore, I have no reason to withhold planning permission due to the existence of vacant premises within the existing complex.

28. With regard to the matter of additional signage, the scheme before me does not seek advertisement consent. Any proposed advertisements would be a matter for later approval, unless the advertisements proposed can be displayed without the need for consent.

### **Conditions**

29. The conditions set out in the accompanying schedule are based on those suggested by the Council. I have also had regard to the additional conditions suggested in the statement of common ground. Where necessary I have amended the wording suggested in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance. I have also grouped the conditions, indicating which apply to both the outline and full planning permission hereby granted, as well as those that apply to the outline permission only and the full permission only.
30. A construction management plan that deals with both environmental and transport matters would be necessary for each of the two distinct phases of the development to ensure the construction process has a limited effect upon the safety of highway users and neighbouring living conditions. I have also imposed as a joint condition the restriction on hours of construction work in the interests of neighbouring living conditions.
31. Completion of the parking and servicing spaces is necessary to ensure there would be sufficient provision. Bicycle spaces are also necessary to encourage sustainable methods of transportation to the site. CCTV provision is necessary in the interests of public safety. Details of refuse storage and recycling are necessary in the interests of waste reduction and public amenity and are the extent of reasonable measures necessary to deal with any issues of litter resulting from the development. The requirement for a management plan to deal with litter is not reasonable or necessary, having regard to the lack of evidence adequately demonstrating that the development would result in a litter problem.
32. The requirement for details of mechanical ventilation and an odour management plan have been combined into a single condition and are necessary in the interests of the living conditions of nearby residents. For the same reason it is also necessary to limit the noise generated by plant and machinery; to prevent any additional external seating areas associated with the phase 1 development; and to restrict the hours of activities relating to refuse disposal and collection, servicing and deliveries. The Council have not, however, provided sufficient detail explaining why a refuse, servicing and delivery strategy is necessary. I am not, therefore, satisfied that such a requirement is necessary or reasonable.
33. Separate details of sustainable surface water drainage for each of the distinct elements of the development are necessary in the interest of the environment and to prevent flooding.

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34. The details required to mitigate the impact of the development on biodiversity during construction, as well as the requirement for a habitat management plan and lighting strategy are all necessary for both elements of the development in the interest of ecology and biodiversity.
35. As the scheme comprised in the phase 1 development proposes to retain much of the boundary landscaping adjacent to the two food and drink units, an arboricultural assessment, including tree protection measures, is necessary to ensure this landscaping is retained during the course of development. The assessment, along with the condition securing the implementation of the approved landscaping scheme, is essential to ensure that the landscaping of the site would be a fundamental element of the overall scheme.
36. Whilst the Council suggest that the travel plan should extend to the whole of the Willow Brook Centre, I am not satisfied that the appellant would have sufficient control over the entirety of the shopping centre in order to ensure that a centre wide travel plan is implemented in full. Accordingly, such a requirement would be unreasonable. However, I note the Council's concerns with regard to certain elements of the plan and have, therefore, required the submission of an amended travel plan to provide the opportunity to overcome these concerns.
37. It would be unreasonable to require the submission of a management plan setting out how the use of external areas and antisocial behaviour would be managed. Such matters are unpredictable and for the police to deal with. I have also concluded that there is little evidence to suggest that the development would result in antisocial behaviour.
38. Furthermore, whilst I note the suggested conditions relating to sustainability and Carbon Dioxide reduction measures, together with boundary fences and barriers or retractable bollards, there is little evidence from the Council to demonstrate their necessity. As such and having regard to the lack of objection from the Council's professional officers with regard to matters of noise, disturbance and air quality, such conditions are not necessary.

### **Conclusion**

39. Whilst I understand the apprehension of local residents, there is no substantive evidence to justify the dismissal of the appeal on the grounds of harm to living conditions or any other grounds that have been raised. For these reasons I conclude that the appeal should be allowed.

*J Moss*

INSPECTOR

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## Schedule of Conditions

Conditions of both the full and outline planning permission:

1) The development hereby approved shall be carried out in accordance with the following approved plans and documents only in respect of those matters not reserved for later approval:

- Drawing No. 7752\_PL\_001 - Location Plan
- Drawing No. 7752\_PL\_002 Revision A - Existing Overall Site Plan
- Drawing No. 7752\_PL\_003 Revision B - Proposed Overall Site Plan Phase 1
- Drawing No. 7752\_PL\_004 Revision B - Proposed Overall Site Plan Phase 2
- Drawing No. 7752\_PL\_005 Revision B - Proposed Phasing Plan
- Drawing No. 7752\_PL\_006 Revision B - Rendered Proposed Masterplan
- Drawing No. 7752\_PL\_201 Phase 2 - Existing Roof Plan
- Drawing No. 7752\_PL\_202 Phase 2 - Non-Food Retail Existing Ground Floor Plan
- Drawing No. 7752\_PL\_203 Revision A - Phase 2 Non-Food Retail Roof Plan
- Drawing No. 7752\_PL\_204 Revision A - Phase 2 Non-Food Retail Proposed Ground Floor Plan
- Drawing No. 7752\_PL\_205 - Phase 2 Non-Food Retail Existing Elevations
- Drawing No. 7752\_PL\_206 - Phase 2 Non-Food Retail Proposed Elevations
- Drawing No. 7752\_PL\_207 - Phase 2 Non-Food Retail Existing and Proposed Site Sections
- Document No. 1620004386-RAM-XXX-RP-CIV-002 - Below Ground Drainage Strategy
- Drawing No. 7752\_PL\_101 Revision A - Phase 1 Existing Site Plan;
- Drawing No. 7752\_PL\_103 Revision E - Phase 1 Drive Thru-Units Proposed Site Plan At Ground Floor Level;
- Drawing No. 7752\_PL\_104 - Phase 1 - Drive-Through Units Existing Street Elevations
- Drawing No. 7752\_PL\_105 Revision A - Phase 1 - Drive-Through Units Proposed Street Elevations
- Drawing No. 6741-SA-8192-P005 Revision B - McDonalds Proposed Elevations and Sections
- Drawing No. 6741-SA-8192-P006 Revision B - McDonalds Proposed Ground Floor Plans and Roof Plans
- Drawing No. A-1000 Revision C - Starbucks Ground Floor GA
- Drawing No. A-1001 Revision D - Starbucks Proposed Elevations 1
- Drawing No. A-1002 Revision D - Starbucks Proposed Elevations 2
- Drawing No. 766\_PL\_101 P00 - Hardwork Plan
- Drawing No. 766\_PL\_001 P03 - General Arrangement Plan
- Drawing No. 766\_PL\_201 P00 - Softworks Plan
- Document No. 766-LS-001 P02 Landscape Strategy

2) The hours of construction work shall be limited to 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. No construction work shall take place on Sundays or Public Holidays. Construction work includes the use of any plant or machinery (mechanical or other); the carrying out of any



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maintenance or cleaning work on any plant or machinery; deliveries to the site; and the movement of vehicles within the curtilage of site.

- 3) The development hereby approved shall not take place until a construction environmental management plan relating to biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include details of the mitigation protocols for protected species that may be present and affected by the development. The development shall be carried out in accordance with the approved CEMP: Biodiversity.
- 4) The development hereby approved shall not be occupied until such time as a habitat management plan (HMP) has been implemented in accordance with details that shall first have been submitted to approved in writing by the Local Planning Authority. The HMP shall include the details of habitat management techniques and a five-year schedule of works capable of being carried over upon completion. The HMP shall also set out (where the results from monitoring show that conservation aims and objectives of the HMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- 5) The development hereby approved shall not be occupied until such time as a lighting strategy has been implemented in accordance with details that shall first have been submitted to approved in writing by the Local Planning Authority. All external lighting shall thereafter accord with the strategy.
- 6) Notwithstanding the submitted details, the development hereby approved shall be used at all times in accordance with a travel plan, the details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Conditions of the outline planning permission to extend the existing retail terrace to provide two non-food retail units (up to 3,100sqm including mezzanine) and rearrangement of existing car park:

- 7) Details of the external appearance of the buildings and the landscaping of the site within the area identified as Phases 2 and 3 on plan number 7752\_PL\_005 revision A (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development within Phases 2 or 3 takes place. The development shall be carried out in accordance with the approved details.
- 8) The application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
- 9) The development hereby approved within the area identified as Phases 2 and 3 on plan number 7752\_PL\_005 revision A shall begin no later than three years from the date of this permission or two years from the date of approval of the last of the reserved matters, whichever is the later.
- 10) Prior to the commencement of the development hereby approved within the area identified as Phases 2 and 3 on plan number 7752\_PL\_005 revision A, the revised car parking layout and servicing areas shall be completed in

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accordance with the approved drawing number 7752\_PL\_004 Revision B - Proposed Overall Site Plan Phase 2.

- 11) Prior to the commencement of development hereby approved within the area identified as Phases 2 and 3 on plan number 7752\_PL\_005 revision A, a construction environmental and transportation management plan (CETMP) shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the development within Phases 2 and 3 shall be carried out in accordance with the approved transportation CETMP.
- 12) Prior to the commencement of development hereby approved within the area identified as Phases 2 and 3 on plan number 7752\_PL\_005 revision A, details of sustainable surface water drainage (SUDS) shall be submitted to and approved by the Local Planning Authority. The SUDS shall be implemented in accordance with the approved details prior to the occupation of the development within Phases 2 and 3.
- 13) The development hereby approved within the area identified as Phases 2 and 3 on plan number 7752\_PL\_005 revision A shall not be occupied until such time as the CCTV system to be used in relation to the development, including the associated car parking areas, has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the CCTV System as approved shall be retained at all times.

Conditions of the full planning permission for the erection of two food and drink units each incorporating a drive-through:

- 14) The development hereby approved within the area identified as Phase 1 on plan number 7752\_PL\_005 revision A shall begin no later than three years from the date of this permission.
- 15) Prior to the commencement of development hereby approved within the area identified as Phase 1 on plan number 7752\_PL\_005 revision A, a construction environmental and transportation management plan (CETMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development within Phase 1 shall be carried out in accordance with the approved CETMP.
- 16) Prior to the commencement of development hereby approved within the area identified as Phase 1 on plan number 7752\_PL\_005 revision A, details of sustainable surface water drainage (SUDS) shall be submitted to and approved by the Local Planning Authority. The SUDS shall be implemented in accordance with the approved details prior to the occupation of the development within Phase 1.
- 17) Prior to the commencement of development hereby approved within the area identified as phase 1 on plan number 7752\_PL\_005 revision A, details of the ventilation system(s) for the extraction and dispersal of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. The details provided shall be in accordance with Annex B of the Defra 'Guidance on the Control of Odour & noise from Commercial Kitchen Exhaust Systems' and shall include the following details:
  - any flues;

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- the cleaning and maintenance of the system(s);
  - noise generated by the equipment; and
  - noise attenuation measures.

The approved ventilation system(s) shall be implemented prior to the occupation of the development within phase 1 and shall thereafter be used in accordance with the approved details.

- 18) The rating level of any noise generated by plant and equipment installed and used within the area identified as Phase 1 on plan number 7752\_PL\_005 revision A shall not exceed the pre-existing LA90 Background level when measured and assessed in accordance with the British Standard BS4142 : 2014 - Method for Rating Industrial and Commercial Sound or any such guidance that replaces it.
- 19) The development hereby approved within the area identified as phase 1 on plan number 7752\_PL\_005 revision A shall not be occupied until the vehicle parking, bicycle parking and servicing areas have been completed in accordance with the approved plans. Thereafter these areas shall be kept free of obstruction and available for the parking of bicycles and vehicles, and for servicing associated with the development.
- 20) Notwithstanding the submitted details, prior to the commencement of the development hereby approved within the area identified as Phase 1 on plan number 7752\_PL\_005 revision A, an arboricultural method statement including tree protection measures shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved method statement.
- 21) All planting, seeding or turfing comprised in the approved details of hard and soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development within the area identified as Phase 1 on plan number 7752\_PL\_005 revision A, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 22) The development hereby approved within the area identified as Phase 1 on plan number 7752\_PL\_005 revision A shall not be occupied until such time as the CCTV system to be used in relation to the development, including the associated external areas, has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the CCTV System as approved shall be retained at all times.
- 23) The development hereby approved within the area identified as Phase 1 on plan number 7752\_PL\_005 revision A shall not be occupied until such time as recycling and waste storage, including facilities for customers to dispose and recycling waste, has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The phase 1 development shall thereafter be used in accordance with the approved recycling and waste storage details.

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- 24) No external dining/seating areas shall be provided within the area identified as Phase 1 on plan number 7752\_PL\_005 revision A other than those shown on the approved plans.
- 25) Activities relating to refuse disposal and collection, servicing and deliveries to the development hereby approved within the area identified as Phase 1 on plan number 7752\_PL\_005 revision A shall only take place between the hours of 0800 to 2000.

**\*\* Conditions End \*\***